

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SEARS HOLDING CORPORATION., et al.
Debtors

Chapter 11

Case No. 18-23538-RDD

Jointly Administered

**CREDITOR RGGD, INC.'S OPPOSITION TO DEBTORS' THIRTY-NINTH OMNIBUS
OBJECTION TO PROOFS OF CLAIM**

(Doc. 9978)

Defendant RGGD, Inc., ("RGGD") by and through its undersigned counsel, responds in opposition to Debtors' Thirty-Ninth Omnibus Objection to Proofs of Claim (Doc. 9978) ("Debtors' Objection").

RGGD'S FILED CLAIMS

1. RGGD filed four (4) timely proofs of claim in these jointly-administered cases. As reflected on the claims agent's website (primeclerk.com), RGGD's claims are as follows:

<u>#</u>	<u>Filing Date</u>	<u>Debtor</u>	<u>Amount</u>	<u>Type</u>	<u>Objection?</u>
5186	11/20/2018	Sears Holdings	\$105,485.90	Unsecured	unclear
8402	02/06/2019	Kmart Corporation	\$105,485.90	Unsecured	unclear
8387	02/06/2019	Kmart Corporation	\$95,669.89	Unsecured	Yes, Doc. 9978
17160	04/10/2019	Kmart Corporation	\$13,237.91	503(b)(9)	Yes, Doc. 9978

Debtor's Objection¹ purports to object to three claims, but identifies only one claim number- 17160. For Claim 17160, which relates to goods RGGD shortly before the October 15, 2021 Petition Date supplied under a Kmart scan-based program, the Debtor's Objection lists the basis of the objection as "Debtors have outstanding credits greater than the claim amount and are entitled to setoff against claim asserted". Debtors provide no support for the objection and RGGD is unaware of any credits to which Debtor are entitled, and the objection to claim 17160 should be overruled.

For Claim 8387, while Debtors' Objection does not identify the specific claim, it appears from the amount that it refers to Claim 8387. The Debtor's Objection lists the basis of the objection as "[t]he Debtors' books and records do not support any entitlement to administrative priority".

¹ See, Doc. 9978, file stamped page 14 of 85, reference numbers 83-85.

The objection is not meritorious because Claim 8387 was filed as a general unsecured claim; no administrative priority was sought. Accordingly, the objection should be overruled.

Debtors also object to a claim in the amount of \$105,485.90 without identifying a claim number. As a result, RRGD is unable to determine to which claim (5186 or 8402) the objection is directed. Once again, Debtor's Objection lists the basis of the objection as "[t]he Debtors' books and records do not support any entitlement to administrative priority". The objection is not meritorious because both Claim 5186 and Claim 8402 were filed as general unsecured claims; no administrative priority was sought for either. Accordingly, the objection should be overruled.

RGGD, through its counsel, has contacted counsel for the Debtors identified in Debtors' Objection, but to date has been unable to either resolve the Debtor's Objection to RGGD's Claims, or to receive information to support those objections.

Wherefore, based on the foregoing, RRGD request that the Court overrule Debtor's Objection as it relates to RGGD's claims.

November 2, 2021

WILCOX LAW FIRM

/s/ **Robert Wilcox**

Robert D. Wilcox

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CERTIFICATE OF SERVICE

The undersigned certifies that on November 2, 2021 he has filed the foregoing through the electronic filing system, which will provide a copy to the following and has further provided a copy via U.S. Mail to:

Ray C. Schrock, Esq.

Jacqueline Marcus, Esq.

Garret Fail, Esq.

Sunny Singh, Esq.

Weil Gotschal & Manges

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New York, NY 10053

The undersigned certifies further that he has this day provided a copy via electronic mail to Dominic Litz, Esq, Dominic.Litz@weil.com, who is listed as the contact attorney in Debtors' Objection.

/s/ **Robert Wilcox**

Robert D. Wilcox, Attorney